UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

Wesley Copeland, : Civil Action No.: 3:17-cv-263

Plaintiff,

v.

Williams, Rush & Associates LLC, :

Defendant.

COMPLAINT

For this Complaint, Plaintiff, Wesley Copeland, by undersigned counsel, states as follows:

JURISDICTION

- 1. This action arises out of Defendant's repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (the "FDCPA").
- 2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

- 3. Plaintiff, Wesley Copeland ("Plaintiff"), is an adult individual residing in Mt Pleasant, South Carolina, and is a "consumer" as the term is defined by 15 U.S.C. § 1692a(3).
- 4. Defendant Williams, Rush & Associates LLC ("WRA"), is a Texas business entity with an address of 4144 N Central Expressway #945, Dallas, Texas, 75204, operating as a collection agency, and is a "debt collector" as the term is defined by 15 U.S.C. § 1692a(6).

ALLEGATIONS APPLICABLE TO ALL COUNTS

A. The Debt

- 5. Plaintiff allegedly incurred a financial obligation (the "Debt") to Stevens School (the "Creditor").
- 6. The Debt arose from services provided by the Creditor which were primarily for family, personal or household purposes, which meets the definition of a "debt" under 15 U.S.C. § 1692a(5).
- 7. The Debt was purchased, assigned or transferred to WRA for collection, or WRA was employed by the Creditor to collect the Debt.
- 8. Defendant attempted to collect the Debt and, as such, engaged in "communications" as defined in 15 U.S.C. § 1692a(2).

B. WRA Engages in Harassment and Abusive Tactics

- 9. In or around September 2016, WRA began calling Plaintiff in an attempt to collect the Debt.
- 10. WRA falsely told Plaintiff that it is an attorney's office and that it would revoke Plaintiff's professional driving license in South Carolina, where Plaintiff resides.
 - 11. WRA also threatened to get Plaintiff fired from his job if the Debt was not paid.

C. Plaintiff Suffered Actual Damages

- 12. Plaintiff has suffered and continues to suffer actual damages as a result of Defendant's unlawful conduct.
- 13. As a direct consequence of Defendant's acts, practices and conduct, Plaintiff suffered and continues to suffer from humiliation, anger, anxiety, emotional distress, fear, frustration and embarrassment.

<u>COUNT I</u> VIOLATIONS OF THE FDCPA 15 U.S.C. § 1692, et seq.

- 14. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
- 15. Defendant's conduct violated 15 U.S.C. § 1692d in that Defendant engaged in behavior the natural consequence of which was to harass, oppress, or abuse Plaintiff in connection with collection of the Debt.
- 16. Defendant's conduct violated 15 U.S.C. § 1692e in that Defendant used false, deceptive and/or misleading representations or means in connection with collection of the Debt.
- 17. Defendant's conduct violated 15 U.S.C. § 1692e(3) in that Defendant misled Plaintiff into believing that it was a law firm or an attorney's office.
- 18. Defendant's conduct violated 15 U.S.C. § 1692e(10) in that Defendant employed false and deceptive means to collect the Debt.
- 19. Defendant's conduct violated 15 U.S.C. § 1692f in that Defendant used unfair and unconscionable means to collect the Debt.
- 20. The foregoing acts and omissions of Defendant constitute numerous and multiple violations of the FDCPA.
 - 21. Plaintiff is entitled to damages as a result of Defendant's violations.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant:

- 1. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
- 2. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- 3. Costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C.§ 1692k(a)(3); and

4. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: January 27, 2017

Respectfully submitted,

By /s/ Jenny DeFrancisco

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